

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MILTON WOLFE

COMPLAINANT

VS.

GOSHEN UTILITIES, INC.

DEFENDANT

CASE NO. 91-256

O R D E R

On July 22, 1991, Milton Wolfe ("Complainant") filed a formal complaint with the Commission against Goshen Utilities, Inc. ("Goshen"), a private utility which provides both water and sewer service to customers in Oldham County, Kentucky. The Complainant stated that it was his understanding that Goshen allowed a credit for sewer use charges when customers filled a pond or swimming pool, or watered a newly sodded lawn. According to the Complainant, he contacted Goshen and requested a credit for sewer usage for lawn watering, but was refused. The Complainant stated that he was told by Goshen that its computer was not programmed to accommodate such a request, and that Goshen must make a profit. Goshen also informed the Complainant that it would install meters on the Complainant's outside faucets, at the Complainant's cost, to register future water usage not entering the sewer system. The Complainant estimates that he was overcharged as much as one-third for sewer service for water attributable to lawn watering.

Goshen filed its response to the complaint on August 26, 1991. In its response, Goshen stated that it has been its practice to inform its customers with swimming pools or new homes with sod that Goshen will issue a credit once per year toward their sewer bill, since it is obvious that their large consumption did not enter its sewer system. Goshen stated that it did not give credit for small increases, and that its criteria for issuing a credit is the doubling of a customer's bill in a one-month period in conjunction with an obvious consumption of water which would not have entered the sewer system. Goshen gave as examples customers with a swimming pool, newly sodded lawn, verified leak, or even customers who water their lawn in a period of drought, who also have a corresponding increase of at least double their water usage in a one-month period.

Goshen stated that, at the time the Complainant contacted its office in June of this year, his average bill per month was 11,000 gallons, and his last bill had only increased by 2,000 gallons. According to Goshen's criteria, this was not enough to warrant a credit. Goshen stated that it informed the Complainant that he should contact Goshen when his usage had doubled as described above. Goshen also notified the Complainant of his option to install an additional meter to register the water usage not entering the sewer system. Goshen stated that it planned to continue with its present policy unless the Commission required it to discontinue giving credits toward sewer bills under any circumstances.

Goshen's tariff addresses the issue in controversy. Section 3.04 of Goshen's tariff on file with the Commission states that a customer shall not be charged sewer service for metered water not entering the sewer system under any of the following conditions:

(a) The user must furnish evidence that the entire supply of water from the public meter or from the private meter is used in such a manner as to establish beyond a reasonable doubt that all of the water so used does not enter the Utility's sanitary sewer system (such as the filling of swimming pools).

(b) The customer must install a flow recorder (s) to measure the volume of the wastewater flow entering the Utility's sanitary sewer system at the point (s) of discharge.

Paragraph (b) above gives a customer who believes that a substantial amount of his water usage is not entering the sanitary sewer system the option to demonstrate that fact unequivocally by installing a separate meter to measure the volume of wastewater flow entering the sewer system at the point of discharge. Absent a meter error, the amount for which a credit would be due would be uncontroverted. Paragraph (a) allows a customer a credit, even though he does not measure the amount of metered water not entering the sewer system, under certain verifiable conditions. The burden is on the user to establish beyond a reasonable doubt that all of the water he is using is not entering the sewer system.

From the evidence of record, it does not appear that Goshen's actions in refusing to allow the Complainant a credit were inconsistent with the provisions of its filed tariff. Goshen has offered to issue a refund to the Complainant when he notifies the utility that his usage has doubled, thus furnishing the "evidence"

required by Goshen in Paragraph (a) of Section 3.04 of its tariff. According to Goshen, when it was contacted by the Complainant in June, the increase in his water usage from the previous month was relatively small. In his complaint, the Complainant provided data which indicates that the increase in water usage from June to July (\$27.10 to \$45.78 on his bill) was greater, although no information was provided as to gallons consumed. Assuming that the increase still does not meet Goshen's criteria of a doubling of usage in a one-month period, the Commission does not believe Goshen's actions to be inconsistent with its tariff or in violation of any Commission statutes or regulations. Nonetheless, the Commission does believe that Goshen's criteria of "double the usage in a one-month period" should be clearly made known to its customers by including this information in Section 3.04, Paragraph (a) of its tariff.

Having considered the evidence of record and being otherwise sufficiently advised, the Commission finds that:

1. The Complainant has submitted no evidence indicating that Goshen has violated Commission statutes or regulations, or that it has acted inconsistently with the provisions of its filed tariff.

2. The Complainant has failed to state a claim upon which the Commission may grant relief.

3. A hearing in this matter is not necessary in the public interest or for the protection of substantial rights, and therefore this complaint should be dismissed without a hearing.

IT IS THEREFORE ORDERED that:

1. The complaint herein is hereby dismissed.
2. Within 30 days of the date of this Order, Goshen shall file a revised tariff which clearly states that it uses the criteria of "double the water usage in a one-month period" to determine whether a credit is due.

Done at Frankfort, Kentucky, this 14th day of October, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman

Commissioner

ATTEST:


Executive Director

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

A REVIEW OF THE RATES AND CHARGES AND)	
INCENTIVE REGULATION PLAN OF SOUTH)	CASE NO. 90-256
CENTRAL BELL TELEPHONE COMPANY)	

O R D E R

On October 11, 1991, South Central Bell Telephone Company ("South Central Bell") filed a motion for an extension of time to October 18, 1991 to respond to the Commission's September 30, 1991 Order.

The Commission, after considering the motion and being otherwise sufficiently advised, HEREBY ORDERS that the motion is granted and South Central Bell's response to the Commission's September 30, 1991 Order is now due on October 18, 1991.

Done at Frankfort, Kentucky, this 14th day of October, 1991.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:


Executive Director